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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,538	10/20/2000	John O. Moody	FS-00504	3407
30743	7590	06/17/2005	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			NGUYEN, NAM V	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/692,538

Applicant(s)

MOODY ET AL.

Examiner

Nam V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

This communication is in response to applicant's Amendment which is filed March 16, 2005, entered by a request for continued examination.

Claims 1-15 are pending.

#### ***Response to Arguments***

Based upon the facts established by the accompany declaration, therefore the examiner has withdrawn claims 1-15 rejections where the cited prior art reference to Carter et al. (US# 6,659,947) is used, but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (US# 6,701,361) in view of Flach et al. (US# 5,5,944,659).

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Referring to claims 1 and 6, Meier discloses a transponder (i.e. a radio transceiver such as RF TAG) (column 1 line 66 to column 2 line 16; see Figures 1, 4 and 9) including

Means for associating said transponder with a device (415) (i.e. an IP terminal) (column 8 lines 23 to 41; see Figures 4 and 9);

Means for associating said transponder (i.e. a radio transceiver such as RF TAG) with respective wireless access points (401 to 403) (i.e. Access Point #1 to Access Point #3) of a standard data network (100) (i.e. an enterprise network includes a LAN) (column 3 lines 20 to 45; column 8 lines 23 to 59; see Figures 1-9).

However, Meier did not explicitly disclose that means for transmitting a signal in accordance with a wireless network protocol that can be received by an access point of said standard data network and interpreted by an access point of said standard data network as identification information.

In the same field of endeavor of wireless network communication system, Flach et al. teach that that means (102A) (i.e. a wireless remote telemeter) for transmitting a signal (i.e. a data packet) in accordance with a wireless network protocol (i.e. a wireless TDMA communication protocol) (column 6 lines 24 to column 7 line 28; column 13 lines 5 to 44; see Figures 1-4 and 8) that can be received by an access point (106) (i.e. a ceiling-mounted transceiver or VCELL) of said standard data network (116) (i.e. a LAN) and interpreted by an access point (106) of said standard data network (116) as identification information (i.e. a patient data associated with a wireless remote telemeter 102A) (column 7 lines 12 to 57; column 10 lines 17 to 38; see Figures 1, 3 and 5A) in order to facilitate the efficient and reliable exchange of information between portable wireless devices and centralized monitoring stations.

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One of ordinary skilled in the art recognizes the need to have a wireless remote telemeter transmits a patient data information to a ceiling-mounted transceiver of a LAN using a wireless TDMA communication protocol of Flach et al. in a wireless network having a plurality of wireless access points of Meier because Meier suggests it is desired to provide a mobile IP terminal contains a RF tag to communicate with a plurality of access points in a LAN using an open wireless local area network protocols (column 3 line 20 to 45; column 8 lines 23 to 41; see Figures 4 and 9) and Flach et al. teach that a wireless remote telemeter transmits a patient data to a ceiling-mounted transceiver using a wireless TDMA protocols (column 6 lines 24 to column 7 line 28) in order to enhance reliability of the communication in a LAN. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have a wireless remote telemeter transmits a patient data information to a ceiling-mounted transceiver of a LAN using a wireless TDMA communication protocol of Flach et al. in a wireless network having a plurality of wireless access points of Meier with the motivation for doing so would have been to provide a wireless network monitoring system to facilitate the efficient and reliable exchange of information between portable wireless devices and centralized monitoring stations.

Referring to claim 2, Meier in view of Flach et al. disclose a transponder as recited in claim 1, Flach et al. disclose further including a memory (406) and wherein said means (102A) for transmitting a signal includes means (408) (i.e. an antenna) for transmitting signals representing data (i.e. data information) stored in said memory (406) (column 9 line 40 to column 10 line 14; see Figure 4).

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Referring to claims 3-4, Meier in view of Flach et al. disclose a transponder as recited in claim 1, Flach et al. disclose further including means (402) (i.e. a sensor circuitry) for sensing a condition of said device (102A) (column 9 line 40 to 47; see Figure 4).

Referring to claim 15, Meier in view of Flach et al. disclose a transponder as recited in claim 1, Flach et al. disclose wherein said means (102A) for receiving an interrogation signal (i.e. a control signal) includes means (408) for receiving an interrogation signal from an access point (106) of said standard wireless data network (100) (column 13 line 5 to column 14 line 44; see Figures 8 and 10).

Referring to claims 7-8, Meier in view of Flach et al. disclose a system as recited in claim 6, Flach et al. disclose further including means (112) (i.e. concentrator) for associating internal network access point information with geographical locations (column 7 line 12 to 57; column 13 line 61 to column 14 line 22; see Figures 1, 3 and 8).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (US# 6,701,361) in view of Flach et al. (US# 5,5,944,659) as applied to claim 2 above, and in further view of Welles, II et al. (US# 5,691,980).

Referring to claim 5, Meier in view of Flach et al. disclose a system as recited in claim 2, however, Meier in view of Flach et al. did not explicitly disclose means for controlling said

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device in response to said interrogation signal or a signal associated with said interrogation signal.

In the same field of endeavor of wireless communication system, Welles, II et al. teach that means (58) (i.e. a tracking unit controller) for controlling said device (10A) (i.e. a mobile tracking unit) in response to said interrogation signal (column 1 line 47 to column 2 line 16; column 5 lines 4 to 38; see Figures 1 and 2) in order to transmit the condition of temperature or pressure of the unit to the central station.

One of ordinary skilled in the art recognizes the need to a responsive to a detected change of condition of Welles, II et al. in location tracking and monitoring devices of Meier in view of Flach et al. because Flach et al. suggest it is desired to provide a physiologic data collected from a patient is made available for monitoring on a LAN (column 6 line 24 to 55) and Welles, II et al. teach that a tracking unit with sensor devices to communicate the messages and commands with the central station (column 4 lines 1 to 16) in order to enhance reliability of the communication. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add sensors in the tracking units and a responsive to a detected change of condition of Welles, II et al. in a location tracking and monitoring devices of Meier in view of Flach et al. with the motivation for doing so would have been to provide the tracking asset and control system has the capability to independently determine and report the status of location tracking and monitoring devices remotely from a central monitoring station in a wireless LAN system.

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Claims 9-10 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (US# 6,701,361) in view of Flach et al. (US# 5,5,944,659) as applied to claim 6 above, and in further view of Stewart (US# 5,835,061).

Referring to claim 9, Meier in view of Flach et al. disclose a system as recited in claim 6, however, Meier in view of Flach et al. did not explicitly disclose further including means for determining proximity of said transponder to an access point.

In the same field of endeavor of communication service system, Stewart teaches that means for determining proximity of said transponder (5) (i.e. mobile unit) to an access point (10) (column 3 line 64 to column 4 line 7; see Figures 1-2) in order to send or to receive information which may include text, voice data and video data.

One of ordinary skilled in the art recognizes using an access point to determine a mobile unit is within the range of the access point of Stewart in a real time patient monitoring wireless LAN system of Meier in view of Flach et al. because Flach et al. suggest it is desired to provide a wireless remote telemeters to be worn on a patient can be monitoring or tracking by a plurality of ceiling-mounted transceivers in a LAN (column 6 line 24 to 55) and Stewart teaches that means for determining proximity of said a mobile unit to an access point (column 3 line 64 to column 4 line 7; see Figures 1-2) in order to increase efficiently and to enhance reliability of the communication of an access point. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use an access point to determine a mobile unit is within the range of the access point of Stewart in a real time patient monitoring wireless LAN system of Meier in view of Flach et al. with the motivation for doing so would



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have been to provide the tracking asset system has the capability to independently determine and report the status of the tag remotely from a central station.

Referring to claim 10, Meier in view of Flach et al. and in view of Stewart disclose a system as recited in claim 9 above, Stewart disclose wherein said means for determining proximity includes triangulation means (column 6 lines 3 to 26).

Referring to claims 13 and 14, Meier in view of Flach et al. and in view of Stewart disclose a system as recited in claim 9 above, the claims 13 and 14 same in that the claims 7 and 8 already addressed above therefore claims 13 and 14 are also rejected for the same reasons given with respect to claims 7 and 8.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (US# 6,701,361) in view of Flach et al. (US# 5,5,944,659) and in view of Stewart (US# 5,835,061) as applied to claim 9 above, and in further view of Raleigh et al. (US# 6,101,399).

Referring to claim 11, Meier in view of Flach et al. and in view of Stewart disclose a system as recited in claim 9, however, Meier in view of Flach et al. and in view of Stewart disclose did not explicitly disclose means for determining proximity includes quadratic optimization means.

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In the same field of endeavor of wireless communication system, Raleigh et al. teach that means for determining proximity includes quadratic optimization means (column 3 lines 34 to 54; column 18 lines 1 to 19) in order to optimum transmit beam pattern.

One of ordinary skilled in the art recognizes the need to use the quadratic optimization means to determine the proximity of Raleigh et al. in multi-band access points of Meier in view of Flach et al. and in view of Stewart disclose because Flach et al. suggest it is desired to use ceiling-mounted transceiver to determine the location a remote telemeters (column 6 line 24 to 55) and Raleigh et al. teaches that determining proximity using the quadratic optimization means (column 3 lines 33 to 55; see Figure 1) in order to find the distance of mobiles object to the base station. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use the quadratic optimization means to determine the proximity of Raleigh et al. in multi-band access points of Meier in view of Flach et al. and in view of Stewart with the motivation for doing so would have been to provide the distance of location tracking devices from wireless LAN access points in order to collects the data and resolves them into positional estimates.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (US# 6,701,361) in view of Flach et al. (US# 5,5,944,659) and in view of Stewart (US# 5,835,061) as applied to claim 9 above, and in further view of Gamlyn et al. (US# 5,749,367).

Referring to claim 12, Meier in view of Flach et al. and in view of Stewart disclose a system as recited in claim 9, however, Meier in view of Flach et al. and in view of Stewart did not explicitly disclose means for determining proximity includes a neural network.

In the same field of endeavor of wireless communication system, Gamlyn et al. teach that means for determining proximity includes a neural network (column 1 lines 30 to 64) in order to obtain the monitor changes in the functioning or performance of a person.

One of ordinary skilled in the art recognizes the need to determine the proximity includes a neural network of Gamlyn et al. in determining the position by the network links of Meier in view of Flach et al. and in view of Stewart because Flach et al. suggest it is desired to provide information regarding the position of a remote telemeters in a wireless LAN (column 6 line 24 to 55) and Gamlyn et al. teaches that determining proximity includes a neural network (column 7 lines 26 to 48) in order to determine the vector is within or beyond a threshold range of the reference vectors. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to determine the proximity includes a neural network of Gamlyn et al. in determining the position by the network links of Meier in view of Flach et al. and in view of Stewart with the motivation for doing so would have been to provide an output a signal in order to initiate an event such as the generation of an alarm or the storage of data.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Lewis (US# 6,876,295) discloses wireless communication devices configurable via passive tags.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen  
June 13, 2005

  
EDWIN C. HOLLOWAY III  
PRIMARY EXAMINER